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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,588

04/28/2006

Andrey Vyacheslavovich Agarkov

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EXAMINER

STEPHENS III, JOSE S

ART UNIT

PAPER NUMBER

4193

NOTIFICATION DATE

DELIVERY MODE

04/25/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@crbcp.com

Office Action Summary	Application No. 10/595,588	Applicant(s) AGARKOV, ANDREY VYACHESLAVOVICH	
	Examiner JOSE S. STEPHENS III	Art Unit 4193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/21/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 22 and 29 recites the limitation "additional blades" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16, 23-27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Frutin (US Patent 5,971,140).

With respect to claim 1, figure 1, Frutin teaches a reservoir 11 for multi-component products comprising a receptacle 60 for a basic component 15; a cover 61 in a detachable connection with the receptacle; a container 20 for an introduced component, the container placed in an upper part of the receptacle; wherein the reservoir has at least one channel 5 for an output of an end product, at least one hole 14 in the container; a valve 6 closing the hole of the container, wherein the container and the valve are slidably connected such either the container or both can move along guide members 12 and wherein the cover can interact with the container or the valve.

With respect to claim 2, figure 1, Frutin teaches the valve 6 is provided on an outer surface of the container 20.

With respect to claim 3, figure 2, Frutin teaches the valve 6 is provided on the inner surface of the container 20.

With respect to claims 4 and 23, figure 1, Frutin teaches the upper part of the valve 20 is made in the form of a neck (see figure 1).

With respect to claim 5, figure 1, Frutin teaches the guide members 12 are in the form of a ring (see figure 1).

With respect to claim 6, figure 1, Frutin teaches the guide members 12 are formed by a part of the receptacle for the basic component or by the walls of the container 20 and the valve 6.

With respect to claim 7, figure 1, Frutin teaches the container 20 is made as an independent structural element of the receptacle 60.

With respect to claim 8, figure 1, Frutin teaches the valve 6 is made as an independent structural element as an element of the container 20.

With respect to claim 9, figure 1, Frutin teaches the channel 5 for output of the end product is placed inside the container 60.

With respect to claim 10, figure 1, Frutin teaches the channel 5 for output of the end product passes through the valve 6.

With respect to claims 11 and 24, figure 1, Frutin teaches the reservoir 11 additionally has a tube (see column 2, lines 27 and 28) set in the bottom part of the receptacle 20; the tube reaches the channel 5 for the output of the end product.

With respect to claim 12, figure 1, Frutin teaches the cover 61 is connected to the container or to the valve with the possibility of a detachable connection.

With respect to claim 13, figure 1, Frutin teaches the cover 60 is connected to the container 20.

With respect to claims 14, 25, and 26, figure 1, Frutin teaches an additional spring element (see column 3, lines 17-20) for the interaction of the cover 61 with the container 60.

With respect to claims 15 and 27, figure 1, Frutin teaches a cover 61 interacts with the container 60 by its inner part.

With respect to claim 16, figure 1, Frutin teaches the inside part of the cover 61 is flat.

With respect to claims 22 and 29, figure 5, Frutin teaches additional blades 7 set on the inside part of the container 60 and the valve blades (see figure 1).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17-20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frutin (US Patent 5,971,140) in view of Nobbio (US Patent 5,435,341).

With respect to claim 17, Frutin teaches all the limitations of claim 15. Frutin does not teach the inside part of the cover has a binding element. However, in figure 2 Nobbio teaches an inside part of the cover 40 has a binding element 38. Therefore, it

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cover of Frutin by incorporating the binding element, as taught by Nobbio, for the advantage of providing a connection between the cover and the container.

With respect to claims 18 and 20, the combination of Frutin and Nobbio teach all the limitations of claims 17 and 19. The combination also teaches the binding element (reference number 38, figure 2) is made in the form of a toothed member (see column 3, line 27).

With respect to claims 19 and 28, Frutin teaches all the limitations of claim 17. The combination of Frutin and Nobbio also teaches a binding element (reference number 38, figure 2) is set on the container (reference number 30, figure 2).

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frutin (US Patent 5,971,140) in view of Joulia (US Patent).

With respect to claim 21, Frutin teaches all the limitations of claim 13. Frutin does not teach a removable cap is set on the cover. However, in figure 1 Joulia teaches a removable cap 18 is set on the cover 35. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cover of Frutin by incorporating the removable cap, as taught by Joulia, for the advantage of dispensing the mixed components.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mollstam et al. (US 6,513,650) teaches a two-compartment container.

De Laforcade (US 2002/0020637) teaches an assembly for mixing at least two products.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSE S. STEPHENS III whose telephone number is (571)270-3797. The examiner can normally be reached on M-F, alternate F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Nguyen can be reached on 571-272-1753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Taghi T. Arani/

Supervisory Patent Examiner, Art Unit 4193

4/21/2008